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SENATE BILL 5643

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State of Washington

60th Legislature

2007 Regular Session

By Senators Regala, Delvin, Carrell, Hargrove, Keiser, Kohl-Welles, Shin, Tom and Kline

Read first time 01/26/2007. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to children and families of incarcerated parents;  
2 adding a new section to chapter 72.09 RCW; adding a new section to  
3 chapter 74.04 RCW; adding a new section to chapter 43.215 RCW; adding  
4 a new section to chapter 28A.300 RCW; adding a new section to chapter  
5 43.63A RCW; creating a new section; and making appropriations.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** The legislature recognizes the significant  
8 impact on the lives and well-being of children and families when a  
9 parent is incarcerated. It is the intent of the legislature to support  
10 children and families, and maintain familial connections when  
11 appropriate, during the period a parent is incarcerated. Further, the  
12 legislature finds that there must be a greater emphasis placed on  
13 identifying state policies and programs impacting children with  
14 incarcerated parents. Additionally, greater effort must be made to  
15 ensure that the policies and programs of the state are supportive of  
16 the children, and meet their needs during the time the parent is  
17 incarcerated.

18 According to the final report of the children of incarcerated  
19 parents oversight committee, helping offenders build durable family

1 relationships may reduce the likelihood that their children will go to  
2 prison later in life. Additionally, the report indicates that  
3 offenders who reconnect with their families in sustaining ways are less  
4 likely to reoffend.

5 NEW SECTION. **Sec. 2.** A new section is added to chapter 72.09 RCW  
6 to read as follows:

7 (1) The secretary of corrections shall review current department  
8 policies and assess the adequacy and availability of programs targeted  
9 at inmates with children. The secretary shall adopt policies and  
10 programs that encourage familial contact and engagement between inmates  
11 and their children with the goal of facilitating normal child  
12 development, while reducing recidivism and intergenerational  
13 incarceration. Programs and policies should take into consideration  
14 the children's need to maintain contact with his or her parent and the  
15 inmate's ability to develop plans to financially support their  
16 children, assist in reunification when appropriate, and encourage the  
17 improvement of parenting skills where needed.

18 (2) The secretary shall designate a policy level staff position to  
19 assist in implementing the requirements of subsection (1) of this  
20 section and to continue to oversee the policies and programs that are  
21 developed pursuant to this section. The functions of the staff shall,  
22 at a minimum, include the following:

23 (a) Gathering information and data on the families of inmates,  
24 particularly the children of incarcerated parents;

25 (b) Developing programs and policies that focus on sustaining the  
26 family during the parent's incarceration. Programs should be developed  
27 to assist parents to gain skills and connections that will help them  
28 resume parenting, and create a plan to help the family successfully  
29 deal with reintegration, or help them plan how to support the children  
30 if they decide not to reunite or if reunification is not in the best  
31 interest of the family;

32 (c) Evaluate data to determine the impact on recidivism and  
33 intergenerational incarceration; and

34 (d) Participate in the children of incarcerated parents oversight  
35 committee.

1        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 74.04 RCW  
2 to read as follows:

3        (1)(a) The secretary of social and health services shall review  
4 current department policies and assess the adequacy and availability of  
5 programs targeted at persons who receive services through the  
6 department who are the children and families of a person who is  
7 incarcerated in a department of corrections facility. Great attention  
8 shall be focused on programs and policies affecting foster youth who  
9 have a parent who is incarcerated.

10        (b) The secretary shall adopt policies and programs that encourage  
11 familial contact and engagement between inmates of the department of  
12 corrections facilities and their children with the goal of facilitating  
13 normal child development, while reducing recidivism and  
14 intergenerational incarceration. Programs and policies should take  
15 into consideration the children's need to maintain contact with his or  
16 her parent, the inmate's ability to develop plans to financially  
17 support their children, assist in reunification when appropriate, and  
18 encourage the improvement of parenting skills where needed. The  
19 programs and policies should also meet the needs of the child while the  
20 parent is incarcerated.

21        (2) The secretary shall designate a policy level staff position to  
22 assist in implementing the requirements of subsection (1) of this  
23 section and to continue to oversee the policies and programs that are  
24 developed pursuant to this section. The functions of the staff shall,  
25 at a minimum, include the following:

26        (a) Gathering information and data on the recipients of public  
27 assistance, or children in the care of the state under chapter 13.34  
28 RCW, who are the children and families of inmates incarcerated in  
29 department of corrections facilities;

30        (b) Developing programs and policies that focus on sustaining the  
31 family during the parent's incarceration, particularly the needs of the  
32 children during the period the parent is incarcerated;

33        (c) Evaluate data to determine the impact on recidivism and  
34 intergenerational incarceration; and

35        (d) Participate in the children of incarcerated parents oversight  
36 committee.

1        NEW SECTION.    **Sec. 4.**    A new section is added to chapter 43.215 RCW  
2 to read as follows:

3        (1)(a) The director of the department of early learning shall  
4 review current department policies and assess the adequacy and  
5 availability of programs targeted at persons who receive assistance who  
6 are the children and families of a person who is incarcerated in a  
7 department of corrections facility. Great attention shall be focused  
8 on programs and policies affecting foster youth who have a parent who  
9 is incarcerated.

10        (b) The director shall adopt policies and programs that support the  
11 children of incarcerated parents and meet their needs with the goal of  
12 facilitating normal child development, while reducing intergenerational  
13 incarceration.

14        (2) The director shall designate a policy level staff position to  
15 assist in implementing the requirements of subsection (1) of this  
16 section and to continue to oversee the policies and programs that are  
17 developed pursuant to this section. The functions of the staff shall,  
18 at a minimum, include the following:

19        (a) Gathering information and data on the recipients of assistance  
20 who are the children and families of inmates incarcerated in department  
21 of corrections facilities;

22        (b) Developing programs and policies that focus on sustaining the  
23 family during the parent's incarceration, particularly the needs of the  
24 children during the period the parent is incarcerated;

25        (c) Evaluate data to determine the impact on recidivism and  
26 intergenerational incarceration; and

27        (d) Participate in the children of incarcerated parents oversight  
28 committee.

29        NEW SECTION.    **Sec. 5.**    A new section is added to chapter 28A.300  
30 RCW to read as follows:

31        (1) The superintendent of public instruction shall review current  
32 policies and assess the adequacy and availability of programs targeted  
33 at children who have a parent who is incarcerated in a department of  
34 corrections facility. The superintendent of public instruction shall  
35 adopt policies and programs that support the children of incarcerated  
36 parents and meet their needs with the goal of facilitating normal child

1 development, including maintaining adequate academic progress, while  
2 reducing intergenerational incarceration.

3 (2) The superintendent of public instruction shall designate a  
4 policy level staff position to assist in implementing the requirements  
5 of subsection (1) of this section and to continue to oversee the  
6 policies and programs that are developed pursuant to this section. The  
7 functions of the staff shall, at a minimum, include the following:

8 (a) Gathering information and data on the students who are the  
9 children of inmates incarcerated in department of corrections  
10 facilities;

11 (b) Developing programs and policies that focus on sustaining the  
12 family during the parent's incarceration, particularly the needs of the  
13 children during the period the parent is incarcerated;

14 (c) Evaluate data to determine the impact on recidivism and  
15 intergenerational incarceration; and

16 (d) Participate in the children of incarcerated parents oversight  
17 committee.

18 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.63A RCW  
19 to read as follows:

20 (1)(a) The department of community, trade, and economic development  
21 shall establish an advisory committee to monitor, guide, and report on  
22 recommendations relating to policies and programs for children and  
23 families with incarcerated parents.

24 (b) The advisory committee shall include representatives of the  
25 the department of corrections, the department of social and health  
26 services, the department of early learning, the office of the  
27 superintendent of public instruction, representatives of the private  
28 nonprofit and business sectors, child advocates, representatives of  
29 Washington state Indian tribes as defined under the federal Indian  
30 welfare act (25 U.S.C. Sec. 1901 et seq.), court administrators, the  
31 administrative office of the courts, the Washington association of  
32 sheriffs and police chiefs, jail administrators, the office of the  
33 governor, and others who have an interest in these issues may also be  
34 included.

35 (c) The advisory committee shall:

36 (i) Gather the data collected by the departments as required in  
37 sections 2 through 5 of this act;

1 (ii) Monitor and provide consultation on the implementation of  
2 recommendations contained in the 2006 children of incarcerated parents  
3 report;

4 (iii) Identify areas of need and develop recommendations for the  
5 legislature, the department of social and health services, the  
6 department of corrections, the department of early learning, and the  
7 office of the superintendent of public instruction to better meet the  
8 needs of children and families of persons incarcerated in department of  
9 corrections facilities; and

10 (iv) Provide recommendations to the department of community, trade,  
11 and economic development regarding community programs the department  
12 should fund with moneys appropriated under sections 7 and 8 of this  
13 act.

14 (d) The children of incarcerated parents oversight committee shall  
15 update the legislature and governor annually on committee activities,  
16 with the first update due by January 1, 2008.

17 (2) The department of community, trade, and economic development  
18 shall select community programs or services to receive funding that  
19 focus on children and families of inmates incarcerated in a department  
20 of corrections facility and sustaining the family during the period of  
21 the inmate's incarceration. Programs or services which meet the needs  
22 of the children of incarcerated parents should be the greatest  
23 consideration in the programs that are identified by the department.  
24 The department shall consider the recommendations of the advisory  
25 committee regarding which services or programs the department should  
26 fund.

27 NEW SECTION. **Sec. 7.** The sum of five hundred thousand dollars, or  
28 as much thereof as may be necessary, is appropriated for the fiscal  
29 year ending June 30, 2008, from the general fund to the department of  
30 community, trade, and economic development for the purpose of enhancing  
31 programs and services for the children and families of inmates  
32 incarcerated in department of corrections facilities.

33 NEW SECTION. **Sec. 8.** The sum of seven hundred thousand dollars,  
34 or as much thereof as may be necessary, is appropriated for the fiscal  
35 year ending June 30, 2009, from the general fund to the department of

1 community, trade, and economic development for the purpose of enhancing  
2 programs and services for the children and families of inmates  
3 incarcerated in department of corrections facilities.

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